

Senate File 233 - Introduced

SENATE FILE _____
BY DEARDEN _____

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the licensure of elevator contractors and
2 elevator mechanics and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2428SS 82
5 jr/es/88

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1 1 Section 1. Section 89A.1, Code 2007, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 6A. "Elevator contractor" means any
1 4 person who is engaged in the business of erecting,
1 5 constructing, installing, altering, servicing, repairing,
1 6 testing, or maintaining elevators or other facilities covered
1 7 by this chapter.
1 8 NEW SUBSECTION. 6B. "Elevator mechanic" means any person
1 9 who installs, alters, repairs, or services an elevator,
1 10 dumbwaiter, escalator, or moving sidewalk.
1 11 Sec. 2. Section 89A.3, Code 2007, is amended by adding the
1 12 following new subsection:
1 13 NEW SUBSECTION. 7. The safety board shall adopt the
1 14 following rules by January 1, 2008:
1 15 a. Rules devising a complaint procedure that allows a
1 16 person to notify the board of a possible violation of section
1 17 89A.23 or 89A.24.
1 18 b. Rules devising an investigation procedure to determine
1 19 whether a complaint filed for a violation of section 89A.23 or
1 20 89A.24 is founded.
1 21 c. A list of approved continuing education programs for
1 22 elevator contractors and elevator mechanics.
1 23 Sec. 3. NEW SECTION. 89A.20 APPLICATION FOR ELEVATOR
1 24 CONTRACTOR LICENSE.
1 25 1. Any person who performs services as an elevator
1 26 contractor shall obtain a license from the safety board
1 27 pursuant to this section.
1 28 2. A license shall not be granted to any person who has
1 29 not demonstrated the person's qualifications and abilities, as
1 30 established in rules adopted by the board.
1 31 Sec. 4. NEW SECTION. 89A.21 APPLICATION FOR ELEVATOR
1 32 MECHANIC LICENSE.
1 33 1. Any person who performs services as an elevator
1 34 mechanic shall obtain a license from the safety board pursuant
1 35 to this section.
2 1 2. A license shall not be granted to any person who has
2 2 not demonstrated the person's qualifications and abilities as
2 3 provided in this section. An applicant for an elevator
2 4 mechanic license must demonstrate to the satisfaction of the
2 5 board any of the following qualifications:
2 6 a. A certificate of completion and successful passage of
2 7 the mechanic examination of a nationally recognized training
2 8 program for the elevator industry such as the national
2 9 elevator industry educational program or its equivalent.
2 10 b. A certificate of completion of an apprenticeship
2 11 program for elevator mechanics having standards substantially
2 12 equal to those of this chapter, and registered with the office
2 13 of apprenticeship, employment and training administration,
2 14 United States department of labor.
2 15 c. Possession of a valid license from a state having
2 16 standards substantially equal to those of this chapter. An
2 17 applicant meeting the qualifications of this paragraph shall
2 18 be issued a license upon application and payment of the
2 19 license fee without examination.
2 20 d. Any person who furnishes the board with acceptable

2 21 proof that the person has worked as an elevator contractor or
2 22 maintenance or repair person shall, upon making application
2 23 for a license and paying the license fee, be entitled to
2 24 receive a license without an examination. The person shall
2 25 have worked without direct and immediate supervision for an
2 26 elevator contractor licensed to do business in this state.
2 27 Such employment shall not have been for less than three years
2 28 immediately prior to the effective date of this Act. The
2 29 person must make application pursuant to this paragraph within
2 30 one year of the effective date of this Act.

2 31 e. A combination of documented experience and education
2 32 credits which is approved by the board including not less than
2 33 three years' work experience in the elevator industry, in
2 34 construction, maintenance, and service or repair, as verified
2 35 by current and previous employers licensed to do business in
3 1 this state immediately prior to satisfactory completion of a
3 2 written examination administered by the safety board on the
3 3 codes and standards currently in effect.

3 4 Sec. 5. NEW SECTION. 89A.22 ISSUANCE AND RENEWAL OF
3 5 LICENSES == FEES == CONTINUING EDUCATION.

3 6 1. Upon approval of an application by the board, the
3 7 commissioner may issue an elevator contractor or elevator
3 8 mechanic license, which shall be renewable biennially. The
3 9 fee for such license and for any renewal shall be set by the
3 10 safety board by rule in an amount sufficient to meet the costs
3 11 of administration. All fees shall be deposited in the general
3 12 fund of the state.

3 13 2. Whenever an emergency exists in the state due to
3 14 disaster, act of God, or work stoppage and the number of
3 15 persons in the state holding elevator mechanic licenses
3 16 granted by the board is insufficient to cope with the
3 17 emergency, a person who has a combination of documented
3 18 experience and education to perform elevator work without
3 19 direct and immediate supervision which is acceptable to the
3 20 commissioner shall seek an emergency elevator mechanic license
3 21 from the commissioner within five business days after
3 22 commencing work requiring a license under this chapter. The
3 23 commissioner shall issue such emergency temporary elevator
3 24 mechanic licenses. The person requesting licensure shall
3 25 furnish proof of competency as the commissioner may require.
3 26 Each such license shall recite that it is valid for a period
3 27 of thirty days from the date of issuance and for such
3 28 particular elevators or geographical areas as the commissioner
3 29 may designate and otherwise shall entitle the licensee to the
3 30 rights and privileges of an elevator mechanic license under
3 31 this chapter. The commissioner shall renew an emergency
3 32 elevator mechanic license previously issued during the
3 33 existence of an emergency. No fee shall be charged for an
3 34 emergency elevator mechanic license or renewal.

3 35 3. In situations where there are no licensed personnel
4 1 available to perform elevator work, the commissioner may issue
4 2 a temporary elevator mechanic license to any person who has a
4 3 combination of documented experience and education which is
4 4 acceptable to the commissioner, to perform elevator work
4 5 without direct and immediate supervision. The person shall
4 6 immediately seek a temporary elevator mechanic license from
4 7 the commissioner and shall pay such fee as the safety board
4 8 shall determine. Each such license shall recite that it is
4 9 valid for a period of thirty days from the date of issuance.
4 10 It shall be renewable as long as the shortage of license
4 11 holders continues.

4 12 4. The renewal of a permanent elevator mechanic or
4 13 elevator contractor license issued under this section shall be
4 14 conditioned upon the submission of a certificate of completion
4 15 of a course designed to ensure the continuing education of
4 16 licensees on subjects determined by the board in rule. Such
4 17 course shall consist of not less than eight hours of
4 18 instruction that shall be attended and completed within the
4 19 two-year period immediately preceding any such license
4 20 renewal.

4 21 5. The courses shall be taught by instructors through
4 22 continuing education providers that may include but shall not
4 23 be limited to association seminars and labor training
4 24 programs. The safety board shall approve the continuing
4 25 education providers. All instructors shall be approved by the
4 26 safety board and exempt from the license renewal requirements
4 27 of this section, provided that such applicant was qualified as
4 28 an instructor at any time during the year immediately
4 29 preceding the scheduled date for such renewal.

4 30 6. A licensee who is unable to complete the continuing
4 31 education course required under this section prior to the

4 32 expiration of the person's license due to a temporary
4 33 disability may apply for a waiver from the safety board. The
4 34 application for such waiver shall be on a form provided by the
4 35 safety board which shall be signed under the penalty of
5 1 perjury and accompanied by a certified statement from a
5 2 competent physician attesting to such temporary disability.
5 3 Upon the termination of such temporary disability, such
5 4 licensee shall submit to the safety board a certified
5 5 statement from the same physician, if practicable, attesting
5 6 to the termination of such temporary disability, at which time
5 7 a waiver sticker, valid for ninety days, shall be issued to
5 8 such licensee and affixed to the person's license.

5 9 7. Approved continuing education providers shall keep
5 10 uniform records, for a period of ten years, of attendance of
5 11 licensees following a format approved by the safety board and
5 12 such records shall be available for inspection by the board at
5 13 its request. Approved continuing education providers shall be
5 14 responsible for the security of all attendance records and
5 15 certificates of completion, provided, however, that falsifying
5 16 or knowingly allowing another to falsify such attendance
5 17 records or certificates of completion shall constitute grounds
5 18 for suspension or revocation of the approval required under
5 19 subsection 5.

5 20 Sec. 6. NEW SECTION. 89A.23 CIVIL PENALTIES ==
5 21 SUSPENSION AND REVOCATION OF LICENSES.

5 22 A licensee under this chapter is subject to license
5 23 suspension or revocation or assessment of a civil penalty
5 24 pursuant to chapter 272C by the board upon verification that
5 25 one or more of the following circumstances exist:

5 26 1. Any false statement as to material matter in the
5 27 license application.

5 28 2. Fraud, misrepresentation, or bribery in securing a
5 29 license.

5 30 3. Failure to notify the commissioner and the owner or
5 31 lessee of an elevator or related mechanisms of any condition
5 32 not in compliance with this chapter.

5 33 4. Violation of any provision of this chapter.

5 34 Sec. 7. NEW SECTION. 89A.24 RESTRICTION ON INSTALLATION,
5 35 REPAIR, AND MAINTENANCE == PENALTY.

6 1 1. Anyone other than an elevator contractor or elevator
6 2 mechanic licensed under this chapter who is found by the
6 3 safety board to have engaged in the installation, repair, or
6 4 maintenance of a facility, as permitted under the scope of the
6 5 license, is guilty of a simple misdemeanor.

6 6 2. This section does not apply to emergency personnel
6 7 acting in the scope of an emergency.

6 8 Sec. 8. Section 272C.1, subsection 6, Code 2007, is
6 9 amended by adding the following new paragraph:

6 10 NEW PARAGRAPH. ae. The elevator safety board pursuant to
6 11 section 89A.13.

6 12 Sec. 9. Section 272C.3, subsection 2, paragraph a, Code
6 13 2007, is amended to read as follows:

6 14 a. Revoke a license, or suspend a license either until
6 15 further order of the board or for a specified period, upon any
6 16 of the grounds specified in section 89A.23, 147.55, 148.6,
6 17 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10,
6 18 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151
6 19 or 155, as applicable, or upon any other grounds specifically
6 20 provided for in this chapter for revocation of the license of
6 21 a licensee subject to the jurisdiction of that board, or upon
6 22 failure of the licensee to comply with a decision of the board
6 23 imposing licensee discipline;

6 24 Sec. 10. Section 272C.4, subsection 6, Code 2007, is
6 25 amended to read as follows:

6 26 6. Define by rule acts or omissions that are grounds for
6 27 revocation or suspension of a license under section 89A.23,
6 28 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
6 29 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or
6 30 602.3203 or chapter 151 or 155, as applicable, and to define
6 31 by rule acts or omissions that constitute negligence, careless
6 32 acts, or omissions within the meaning of section 272C.3,
6 33 subsection 2, paragraph "b", which licensees are required to
6 34 report to the board pursuant to section 272C.9, subsection 2;

6 35
7 1 EXPLANATION

7 2 This bill establishes a licensing process for elevator
7 3 contractors and elevator mechanics. The bill lists the
7 4 qualifications to obtain each license, the information
7 5 required for the application, the duration of the license, and
7 6 continuing education and renewal requirements.

7 7 The bill sets up procedures for the suspension or

7 8 revocation of a license or assessment of a civil penalty, the
7 9 decision process, and the appeals process.
7 10 The bill prohibits anyone other than a licensed elevator
7 11 contractor or elevator mechanic from installing, repairing, or
7 12 maintaining a facility defined under Code chapter 89A. The
7 13 bill provides an exception for emergency personnel acting in
7 14 an emergency. Any unlicensed person performing service as an
7 15 elevator repair person, except in an emergency, is guilty of a
7 16 simple misdemeanor.
7 17 LSB 2428SS 82
7 18 jr:nh/es/88